

## **MINUTES OF THE PLANNING BOARD MEETING HELD NOVEMBER 7, 2013**

Present: Tom Morris, Chairman, Don McCormick, John Regan, Mike Kocan, George Moran and Mary Ann Loncto, Secretary

Absent: Bonnie Kieffer

Others Present:

Jay Paggi  
Tom Walsh  
Larry Drake  
James Whitney  
Al Cappelli  
Trustee Komornik

Michele Greig  
John Killmeyer  
Monica Whitney  
Angela Wilbur  
Carl Pantaleo  
Trustee Huber

Meeting was called to order at 7:30 p.m. Motion by Mr. McCormick, seconded by Mr. Moran to accept the minutes of the October 2013 meeting. Unanimously carried.

### **MUSIC SPEAKS VOLUMES, 2663 EAST MAIN STREET**

The first item on the agenda was a proposed sign for Music Speaks Volumes, 2663 E. Main Street. Mr. John Killmeyer, proprietor of the business and Mr. Tom Walsh from Sign Language were present. It was stated that there is a consent form on file from the property owner. It was stated that the lighting is not internal – it is more of a glow. As an example of what it would look like, applicant suggested that there is a similar sign at “Tomas” located on Route 376 near Robinson Lane – the only difference is that it is a red halo instead of a blue halo. Mr. Morris stated he had visited Tomas’ and had brought back pictures if anyone was interested in reviewing them. Applicant stated that the lighting would be under 5 watts – it is an LED type of glow, it is shining and reflecting off the metal and there is no intensity. Mr. Kocan asked if the apartments above the business would be affected by the glow and Mr. Walsh answered no they would not. It was stated by Mr. Murphy that the sign would meet code when the window signs are removed. It was also stated that the sign would be on a timer and turned off at 10:00 p.m. Mr. Regan made a motion to grant approval for the sign as proposed contingent upon: (1) Total wattage for sign being no more than 5 watts, (2) Sign must be on a timer and turned off at 10:00 p.m., and (3) Total signage cannot exceed Village Codes. Motion was seconded by Mr. McCormick. Unanimously carried. Applicant was reminded to pay for his permit.

### **EXIT REAL ESTATE, 2790 WEST MAIN STREET**

Next on the agenda was the sign proposal from Exit Real Estate, 2790 West Main Street. Mr. Larry Drake owner of the building and Monica and James Whitney proprietors of the business were present. The sign would be a post and arm sign and according to the Code Enforcement Officer the sign conforms to the Village Code. The sign would not be lit. Applicant gave the Board the color samples. Mr. McCormick made a motion to approve the sign as presented, seconded by Mr. Kocan. Unanimously carried. Applicant was reminded to pay for his permit.

### **TOM WEBBER FOR 9 MORAN AVENUE**

Next on the agenda was the proposal from Tom Webber for an 8' x 20' storage container at 9 Moran Avenue. No one was present for this hearing. Mr. Regan stated he feels it looks like a "dumpster with a roof" and does not feel it should be approved. He went on to state that it would be a terrible precedence to set in a residential area. Mr. Kocan felt this type of use is something for a commercial/industrial area not a residential area. It was suggested that applicant construct a storage shed. Mr. Moran, Mr. McCormick and Mr. Morris all agree with Mr. Kocan's statements. Mr. Kocan then suggested that the Planning Board write a letter to the Village Board regarding legislation about the PODS – and stating that some type of legislation can be drafted regarding temporary storage with PODS but there has to be a beginning and end date. At this point Mr. McCormick made a motion to deny the proposal because it does not meet the character of the neighborhood (the property is located in an OB zone but it does have residential uses around it). Motion was seconded by Mr. Kocan. Unanimously carried. Mr. Morris asked Secretary to write a letter to Mr. Webber informing him of the Board's decision and a memo to the Board of Trustees regarding the above legislation.

#### **PROPOSED CAFÉ, 2557 SOUTH AVENUE**

Next on the agenda was the proposal from Angela Wilbur to have a small restaurant/café at 2557 South Avenue. Ms. Wilbur was present. It was stated that there is a consent form on file from the owner of the building. They would like to have a family restaurant/café – they would like to serve alcohol but want the Board to know they are not trying to open a bar or a pub. They want to keep it family oriented and cater towards a lunch/early dinner crowd. Mr. Morris asked if they were going to keep the present floor plan and she answered basically yes but they would like to add a few more pool tables and more seating. The décor would be completely different. Basically it would be All American Food – they are friendly with local farmers and would like to be able to use all local products. It would not be a chain type restaurant. Parking was discussed and applicants stated that the owner has shrunk the fence down on Franklindale Avenue and moved it back to improve parking – there is room for three vehicles which is used by the tenants in the apartments. It was further stated that the Anchor Pub went out of business approximately 2 years ago. Mr. Morris asked that the Code Enforcement Officer confirm the variance for parking to make sure there are no restrictions. Mr. Moran asked if there was any signage proposed and applicant stated they would be back for sign approval at a later date. Mr. Morris reminded applicants not to order sign until they checked with the Code Enforcement Officer to confirm what is allowed. Trustee Komornik asked if the bar was going to stay active and applicant stated they are not changing the floor plan – the bar would stay active but their main focus will be a family oriented restaurant. Mr. Regan made a motion to approve the use of the building for a café/restaurant contingent upon the parking being validated by the Code Enforcement Officer, motion was seconded by Mr. Kocan. Unanimously carried. Mr. Morris suggested that the applicants work with the Code Enforcement Officer for their Certificate of Occupancy.

#### **SHEAFE WOODS REALTY, 11 HILLSIDE AVENUE**

Next on the agenda was a proposal from Sheafe Woods Realty for a two lot subdivision at 11 Hillside Avenue. Mr. Al Cappelli, Architect for the project was present. It was stated that there is a consent form from the property owner on file. Mr. McCormick recused himself from this

hearing as he is the owner of property immediately adjacent to this property. Mr. Cappelli stated that the proposed action involves an existing 100 ft. x 150 ft. vacant lot which is proposed to be subdivided into two separate lots of 50 ft. x 150 ft. each. The property is located in an R7.5 zone. Ms. Greig from Greenplan, Inc. reviewed her comment letter dated November 6, 2013 (a copy of which is on file in the Planning/Zoning offices). She stated that the project is an unlisted action under SEQR but the applicant has submitted the old Short EAF. The new short EAF must be submitted before the Planning Board can initiate SEQR. Coordinated review is not required for unlisted actions. Once the applicant has submitted the new EAF a Lead Agency Resolution can be prepared. Secretary was instructed to set up a public hearing on this project for the next meeting. Mr. Morris stated that applicant would have to go to the DPW through the Village Board for curb cuts and approval from both the Water Department and Board of Trustees for sewer hookup is needed. Next Mr. Paggi reviewed his comment letter dated October 31, 2013 (a copy of which is on file in the Planning/Zoning offices). The final plat will need to be signed and sealed by a Licensed Land Surveyor. Engineering details will be necessary including but not limited to: Existing and proposed topography, floor elevations, including basement and first floor, sanitary sewer and water connections and restoration details required to construct the driveways and utility connections, the applicant showed a 20 ft. wide utility easement from Hillside Avenue to the existing McCormick subdivision – this is fine but no less than a 15 ft. easement, details of the utilities need to be worked out along with the limit of Village maintenance responsibility on all sewer and water connections and legal documents drafted and reviewed by Village Attorney and filed in Dutchess County Clerk's Office with the filing of the plat, soil erosion control plan, and restoration of the streets, sidewalks, etc will need to be detailed and guaranteed by the applicant and builder to the satisfaction of the Highway Supt. Mr. Cappelli submitted his new EAF for review. Secretary was asked to set up a Public Hearing for this project scheduled for the next meeting. Mr. Kocan asked if there were any garages proposed for the houses and Mr. Cappelli answered not at the moment but if at some time a homeowner wanted to construct a garage they would be able to clear the easement.

#### **DON MCCORMICK, TWO LOT SUBDIVISION AT 25 HILLSIDE AVENUE**

Next on the agenda was the proposal from Don McCormick, Jr. for a two lot subdivision at 25 Hillside Avenue. Mr. McCormick was still recued as a voting member for this hearing. Ms. Greig reviewed her comment letter dated November 6, 2013 (a copy which is on file in the Planning/Zoning offices). Mr. McCormick stated he had corrected the EAF to match Mr. Greig's comments and presented the Board with an amended copy. Ms. Greig also stated that the project is a Type 1 Action under SEQR since the property is substantially contiguous to the Wappingers Falls Historic District which is on the State and National Registers of Historic Places. A Coordinated Review is required for Type 1 Actions with involved agencies being Village of Wappingers Falls Water Board, Village of Wappingers Falls Board of Trustees and Dutchess County Department of Health. Next Mr. Paggi's comment letters were reviewed. (There are two letters one dated October 24, 2013 and one dated November 5, 2013 – both are on file in the Planning/Zoning offices). Mr. Paggi stated after his comment letter dated October 24, 2013, Mr. McCormick had submitted a new plan dated October 31, 2013. It was stated that the drive has been shifted to the east – the driveway will be going through an existing blacktop parking area, the east edge of the new drive should be delineated in some manner as to not confuse it with the existing parking area. The new drive should be 12 ft. in width and will need

the Attorney's approval that it provides proper legal access to the proposed lot. The easement will need to be filed with the Clerk's Office, simultaneously with the filing of the plat. The footing construction must conform to the appropriate sections of the Building Code – also show the sewer invert at the house to insure proper pitch. All utility easements need to be approved by the Village Attorney. The restoration work necessary for the sewer and water construction including road and sidewalk restoration should be detailed to the satisfaction of the Highway Supt. and a bond put in place. The location of the proposed Soil Erosion Control features should be detailed on the plan.

Mr. Morris read the Resolution Establishing Intent to be Lead Agency. Mr. Moran made a motion declaring the Planning Board's intent to be Lead Agency, seconded by MR. Regan. On roll call vote – Mr. Regan – Aye, Mr. Moran – Aye, Mr. Kocan – Aye and Mr. Morris – Aye.

At this point Mr. McCormick returned to the Board.

### **NORTH RIVER BREWERY**

Comment letter from Mr. Paggi dated October 31, 2013 and a response letter from North River Hops and Brewing dated November 5, 2013 (both letters are on file in the Planning/Zoning offices were reviewed. There are several things they can do to comply with Chapter 122 of the Village Code Book in regard to the Sewer Use – they can get the Superintendent to approve it, they can pretreat it or pay a surcharge to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges. MR. Paggi has asked applicants to comply with Section 122 of the Village Code Book in regard to sewer use – there are several things they can do to comply - they can get the Superintendent to approve it, they can pretreat it or pay a surcharge to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

### **GENERAL BUSINESS**

**Arrow Auto Glass** – Make sure dumpster doors are closed – Mr. Murphy will look into it.

**McDonalds** – Asking Mr. Murphy for feedback.

**Goring Hall** – There was a new sketch that showed a 6 story building. The Zoning may be changed to allow a 6 story building. Work is still needed on the development of this lot.

Mr. Morris stated he had attended the SEQRA Workshop at the Millbrook Farm and Home Center and stated it was very good class.

Mr. McCormick asked if a notice could be put on the bottom of the Planning Board applications letting applicants know that all fees must be paid before they apply.

Mr. Kocan asked if there was closure for Community Services with the Planning Board. Mr. Morris stated the only thing they were before the Planning Board for was Architectural Review and that had been approved. Mr. Morris went on to state that he was told that the Local Law for the moratorium of first floor apartments in Business districts was not reviewed by the County and therefore had to be sent to the County before it was filed with the Department of State. He asked Trustee Komornik to research this and let him know the status.

Mr. Murphy was also asked to look into the new First Floor apartment at the former Ellis Law Office on the corner of South Avenue and Prospect Street. This is also an OB (Office Business) District where first floor apartments are not allowed. Mr. Kocan also asked that Mr. Murphy look into what work is going on at 2672 W. Main Street – to see if permits were needed. It seems that new electric and plumbing work is also going on.

Mr. Regan stated he was concerned about the doors being wide open at the former Mt. Carmel Building on West Main Street. Mr. Murphy was asked to look into this for safety purposes.

Mr. Kocan also stated he was concerned about the windows being “mirrored up” at 2676 W. Main Street – former Chiquita’s Grocery. It seems as if there are living quarters on the first floor. Also the sign should be removed.

Mr. Kocan also asked the status of Richard Fisher’s Building. Trustee Komornik stated it was still in litigation.

Mr. Moran made a motion to adjourn the meeting, seconded by MR. Kocan. Meeting was adjourned at 9:03 p.m.

Respectfully submitted,

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MARY ANN LONCTO, Secretary  
Planning Board

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